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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,329	02/19/2004	Grant M. Kloster	ITL.0946C1US (P15970C)	5405
7590 08/24/2005			EXAMINER	
Timothy N. Trop TROP, PRUNER & HU, P.C. STE 100 8554 KATY FWY HOUSTON, TX 77024-1841			SOWARD, IDA M	
			ART UNIT	PAPER NUMBER
			2822	
DATE MAILED: 08/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/782,329

Applicant(s)

KLOSTER ET AL.

Examiner

Ida M. Soward

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16 and 18-27 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☐ Claim(s) 16, 18-24, 26 and 27 is/are rejected.
 7) ☒ Claim(s) 25 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to the Applicants' amendment filed June 6, 2005.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 24 and 26 recites the limitation

1. **"the facing dielectric surface"** in claim 24, line 6; and
2. **"said conductive doped oxide"** in claim 26, line 1.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fornof et al. (US 2003/0111263 A1) in view of Avanzino et al. (US 2003/0218253 A1) and Laxman et al. (US 2005/0038276 A1).

In regard to claim 16, Fornof et al. teach a device comprising:

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A semiconductor substrate 1 having at least one layer with conductive metal lines 13 thereon; and a dielectric material 5 & 9 between metal lines 13, the dielectric material 5 & 9 having a surface abutting a conductive metal line 13.

However, Fornof et al. fail to teach the conductive metal line having a smoother sidewall than the facing dielectric surface and the dielectric material being at least 50% porous.

Avanzino et al. teach a conductive metal line 54 & 56 (page 4, paragraph [0051]) having a smoother sidewall than the facing dielectric 58 & 60 (Page 4, paragraph [0052]) surface (abstract and Figure 15).

Laxman et al. teach a dielectric material being at least 50% porous (page 6, paragraph [0105]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device structure as taught by Fornof et al. with the device having a conductive metal line having a smoother sidewall than the facing dielectric surface as taught by Avanzino et al. and the device having a dielectric material being at least 50% porous as taught by Laxman et al. to tailor the dielectric material to give optimum porosity levels that result in a lower dielectric constant (page 6, paragraph [0106]).

In regard to claim 20, Fornof et al. teach the dielectric material 5 & 9 having a dielectric constant of 2.2 (pages 2-3, paragraphs [0026] and [0028], respectively) which is in the range of below about 3.0.

In regard to claim 23, Fornof et al. teach the dielectric material 5 & 9 having a thermal stability of 425 degrees C (pages 2-3, paragraphs [0026] and [0028], respectively) which is in the range of greater than about 400 degrees C.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fornof et al. (US 2003/0111263 A1) and Laxman et al. (US 2005/0038276 A1) as applied to claims 16, 20 and 23 above, and further in view of Avanzino et al. (US 2003/0218253 A1).

Fornof et al. and Laxman et al. teach all mentioned in the rejection above.

However, Fornof et al. and Laxman et al. fail to teach the dielectric material being over a conductive layer.

Avanzino et al. teach a dielectric material 58 & 60 being over a conductive layer 24 (Figure 15, page 4, paragraph [0051]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device structure as taught by Fornof et al. and the device having a dielectric material being at least 50% porous as taught by Laxman et al. with the being over a conductive layer as taught by Avanzino et al. to provide a low resistivity wiring network (page 1, paragraph [0003]).

Claims 19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fornof et al. (US 2003/0111263 A1), Avanzino et al. (US 2003/0218253 A1) and

Laxman et al. (US 2005/0038276 A1) as applied to claims 16, 20 and 23 above, and further in view of Kumar et al. (US 6,436,810 B1).

Fornof et al. and Avanzino et al. teach all mentioned in the rejection above.

However, Fornof et al. and Avanzino et al. fail to teach the dielectric material comprising a carbon-doped oxide, a fluorinated silica glass or a silsesquioxame-based material.

In regard to claim 19, Kumar et al. teach a dielectric material comprising a carbon-doped oxide (Figure 20, column 5, lines 12-17).

In regard to claim 21, Kumar et al. teach a dielectric material comprising fluorinated silica glass (Figure 20, column 5, lines 12-15).

In regard to claim 22, Kumar et al. teach a dielectric material comprising a silsesquioxame-based material (Figure 20, column 5, lines 12-16).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device structure as taught by Fornof et al., the device having a dielectric material being at least 50% porous, and being over a conductive layer as taught by Avanzino et al. and the device having a dielectric material being at least 50% porous as taught by Laxman et al. with the device having a dielectric material comprising a carbon-doped oxide, a fluorinated silica glass or a silsesquioxame-based material as taught by Kumar et al. to provide a device capable of effectively removing the unprotected area thereby forming vias 33 and 36 through the dielectric material (Figure 19-20, column 5, lines 52-57).

Claims 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fornof et al. (US 2003/0111263 A1) in view of Avanzino et al. (US 2003/0218253 A1) and Morrow (US 2004/0087166 A1).

Fornof et al. teach a device comprising:

a semiconductor substrate 1 having at least one layer with conductive metal lines 13 thereon; and a dielectric material 5 & 9 between metal lines 13, the dielectric material 5 & 9 having a surface abutting a conductive metal line 13.

However, Fornof et al. fail to teach the conductive metal line having a smoother sidewall than the facing dielectric surface and a porous carbon doped oxide between metal lines.

As best understood, Avanzino et al. teach a conductive metal line 54 & 56 (page 4, paragraph [0051]) having a smoother sidewall than the facing dielectric 58 & 60 (Page 4, paragraph [0052]) surface (abstract and Figure 15).

Morrow teaches a porous carbon doped oxide 103 between metal lines 101 & 105 (Figure 1h, pages 1 and 3, paragraphs [0010], [0012] and [0028], respectively).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device structure as taught by Fornof et al. with the device having a conductive metal line having a smoother sidewall than the facing dielectric surface as taught by Avanzino et al. and the device having a porous carbon doped oxide between metal lines as taught by Morrow to provide a more robust dual damascene process (page 1, paragraph [0004]).

As best understood and in regard to claim 26, Morrow teaches the conductive doped oxide 103 over a conductive layer 101 (page 1, paragraphs [0010]-[0012]).

In regard to claim 27, Morrow further teaches the carbon doped oxide having a dielectric constant between about 1.0 and about 3.0 (page 1, paragraph [0012]) which fits in the range of below about 3.0.

Allowable Subject Matter

Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 16 and 18-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to the claims device structure:

Jozefowicz et al. (5,218,472)

Lopatin (US 6,387,818 B1).

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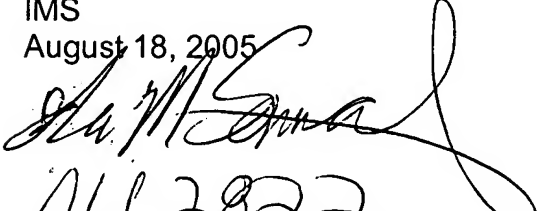
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ida M. Soward whose telephone number is 571-272-1845. The examiner can normally be reached on Monday - Thursday 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMS

August 18, 2005



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